

HB 881 -- QUALITY POLICING ACT

SPONSOR: Butler

This bill establishes the Quality Policing Act that requires every law enforcement agency to annually report certain law enforcement officer data to the Department of Public Safety to be compiled within a database and used by agencies to determine the need for increased monitoring, supervision, and counseling of any officer. The information must include, but not be limited to, any:

- (1) Incident and pattern of disciplinary complaints made by a private citizen or agency personnel against any officer employed by the agency;
- (2) Allegation of racial bias or domestic violence made against any officer employed by the agency;
- (3) Civil action against an officer for alleged misconduct committed while he or she was on duty;
- (4) Use of force by the officer as specified in the bill;
- (5) Illegal entry or search as specified in the bill; and
- (6) Other evidence that an officer could be a danger to himself, herself, or any other person.

In addition to inclusion in the report, the bill requires every law enforcement officer to submit, within 48 hours of the incident, a written report concerning:

- (1) The use of force when the officer uses any type of force greater than escort and compliant cuffing; or
- (2) Any search and seizure when the officer performs a warrantless search, performs a body cavity or strip search, or conducts any warrantless seizure of property.

If an employee initiates, assists in, or participates in an internal affairs investigation, the bill prohibits the law enforcement agency from discharging, demoting, suspending, threatening, harassing, or otherwise discriminating against the employee. The prohibition must not apply to an employment action against an employee who:

- (1) Is determined to have a frivolous or clearly vexatious claim; or

(2) Is convicted of criminal conduct arising from the conduct alleged in the complaint.

Any employee who initiates, assists in, or participates in an internal affairs investigation must be permitted to transfer to another unit or agency and must be considered for any promotion that he or she is eligible to receive.

The bill requires every law enforcement agency to retain records of any disciplinary complaint it has received against any law enforcement officer employed by the agency for three years. Any disciplinary complaint received by a law enforcement agency must be made available to the public via a monthly statistical report on the website of the agency, county, or city not within a county and a printed report released annually.